

REMARKS

Claims 1-50 are pending in the application. The Examiner has withdrawn claims 30-50 from consideration as being directed to the non-elected invention. Claims 1-9, 11-24 and 26-29 are objected by the Examiner on the grounds that these claims contain subject matter that falls outside the scope of the elected invention. Applicants herein amend the claims to cancel claims 30-50 with the understanding that the non-elected subject matter can be prosecuted in a copending divisional application. Applicants also affirm that both they and the Examiner concede that there is abundant written description support in the specification for claims 1-9, 11-24 and 26-29. Applicants also seek clarification as to the Examiner's objection to claims 1-9, 11-24 and 26-29 as still containing non-elected subject matter. Specifically, the Examiner stated in the Official Action (dated October 20, 2003) that the accepted Restriction Requirement to Group III was circumscribed by the following language:

W is as claimed,
R₁ is as defined except H, C₁₋₈ alkyl,
R₂ and R₃ are as claimed except H, C₁₋₄ alkyl,
R₄, R₅ and R₆ are Cl, F, and Br
R₁₀ is as claimed except H, C₁₋₄ alkyl,
R₁₁ is halo, or NO₂, and
J is as claimed except C₁₋₈ alkyl,

Applicants herein submit that they do not know where this alleged Restriction comes from. Applicants respectfully direct the Examiner to the Official Action dated September 30, 2002, and identified as paper number 4, wherein the Examiner described Group III as follows:

Group III Group I claim(s) 1-29, drawn to a compound of the formula (I) wherein, R₁ is non-heterocyclic radical (such as H, C₁₋₈ alkyl, C₃₋₈ alkenyl, C₃₋₈ alkynyl, phenyl, C₃₋₈ cycloalkyl etc.), R₂ and R₃ is independently H, phenyl, C₁₋₄ alkyl, C₃₋₈ alkynyl, C₃₋₈ cycloalkyl, R₄, R₅ and R₆ is independently H, Cl, F, or Br, R_A and

J are non-heterocyclic radical (such as H, C₁₋₆ alyl, C₃₋₈ alkenyl, C₃₋₈ alkynyl, phenyl, C₃₋₈ cycloalkyl etc.), R_C, R_D, R_E, R_F and R_G is independently selected from non-heterocyclic radical (such as H, C₁₋₆ alyl, C₃₋₈ alkenyl, C₃₋₈ alkynyl, phenyl, C₃₋₈ cycloalkyl etc.) and all other variable substitutions are as defined and one method of use (e.g. treating cystic fibrosis).

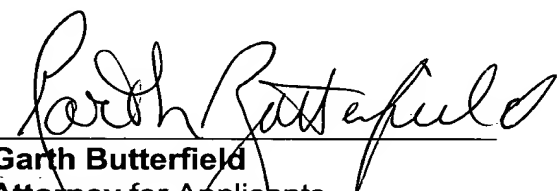
Applicants further submit that they have reviewed every other paper in the file and could not find any mention of an amendment to the Restriction Requirement. Applicants also submit that claims 1-9, 11-24 and 26-29 all fall within the scope of the Restriction Requirement as imposed in the September 30, 2002 Official Action. Applicants thus respectfully request that the Examiner remove the objection to these claims and progress the claims to allowance.

In conclusion, Applicants submit that all pending claims are patentable, and respectfully request that they be allowed to issue.

Respectfully submitted,

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